

**PAULETTE L. STEWART**  
**Assistant U.S. Attorneys**  
**U.S. Attorney's Office**  
**901 Front Street, Suite 1100**  
**Helena, MT 59626**  
**Phone: (406) 457-5120**  
**FAX: (406) 457-5130**  
**Email: paulette.stewart@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 18-150-BLG-DLC</b>
<b>Plaintiff,</b>	<b>OFFER OF PROOF</b>
<b>vs.</b>	
<b>GENE CHRISTIAN COLLINS,</b>	
<b>Defendant.</b>	

**THE CHARGE**

The defendant, Gene Christian Collins, is charged in the indictment with two counts of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

**PLEA AGREEMENT**

There is no plea agreement in this case. The defendant's plea to the indictment without the benefit of a plea agreement is most favorable disposition of the case against the defendant. *See Missouri v. Frye*, 132 S. Ct. 1399 (2012).

## **PENALTIES**

Each count of the indictment subjects the defendant to a maximum penalty of ten years imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment. The indictment also contains a forfeiture allegation for the firearms and ammunition listed in the offenses.

## **ELEMENTS**

In order for the defendant to be found guilty of each charge in the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

- First, the defendant knowingly possessed a firearm;
- Second, the firearm had been transported from one state to another; and
- Third, at the time the defendant possessed the firearm, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year.

## **ANTICIPATED EVIDENCE**

If this case was tried in United States District Court, the United States would present the following evidence:

1. On October 30, 2018, about 2:00 in the morning, Gene Christian Collins, a federal felon, possessed and shot himself with a Hi-Point 9 mm caliber semi-automatic pistol in Billings, Montana. Again, on November 28,

2018, Collins possessed a loaded, Ruger .357 Magnum revolver in Billings, Montana. In April 2000, Collins was convicted of bank robbery in the U.S. District Court, Central District of California.

2. On October 30, 2018, about 2:00 in the morning, Billings Police Department Officers responded to the Billings Clinic based on a report that a gunshot victim was in route to the clinic for treatment. The officers arrived prior to the complainant/victim. The officers saw a car pull up and a man (later identified as Collins) with a gunshot wound to his left leg. The officers also noticed a bullet hole in the driver's side door.
3. The officers talked to Collins' girlfriend who drove him to the hospital. She eventually told the officers that Collins shot himself in the left leg while he was driving the car. They immediately switched places and she drove him to the hospital. Collins threw the handgun out the window into a field near the intersection of Wicks and Saint Andrew, near Planned Parenthood.
4. Additional officers went to the area of Wicks and Saint Andrews in Billings, where his girlfriend said Collins threw the gun out the car window. The officers found a loaded, Hi-Point, model C9, 9 mm caliber semi-automatic pistol (serial number P1875147), on the south side of Wicks Lane across from the Conoco gas station. The pistol was about six

feet from the roadway. The officers noted that the pistol had been broke in half: the upper metal slide part of the gun had broken away from the lower half of the gun.

5. On November 28, 2018, police officers were flagged down by Denny's employees in downtown Billings. The employees said that two suspects passed a counterfeit \$100 bill to pay for their meal. They provided a description of the male and female suspects.
6. The officers located the two suspects, identified as Gene Christian Collins and his girlfriend, near the 2700 block of 8th Avenue North. While being interviewed, Collins fled from the officers on foot. An officer followed Collins. While fleeing, the officer observed Collins remove a handgun from his pocket and throw the handgun. Officers eventually caught Collins and arrested him on an outstanding arrest warrant. The officers then recovered a loaded Ruger, model SP101, .357 Magnum caliber revolver, serial number 574-29490, that Collins had thrown.
7. On November 28, 2018, agents interviewed Collins at the Yellowstone County Detention Facility. After waiving his *Miranda* rights, Collins said he shot himself on October 30, 2018, with the Hi-Point pistol. He picked up the firearm from under the seat and it went off. He placed the firearm under the seat. He then threw the firearm out the window,

somewhere on Wicks – there was a gas station across the street. On November 28, 2018, Collins ran from the police because he had the firearm (the Ruger revolver). He bought the revolver from a man earlier the same day and paid \$60 for it.

8. The case agent verified Collins’ federal conviction through the receipt of a certified copy of Judgment and probation/commitment order dated April 3, 2000, and filed April 6, 2000, in the United States District Court in the Central District of California for bank robbery in violation of 18 U.S.C. § 2113(a) in case number CR-98-125.
9. Neither firearm listed above were manufactured in the State of Montana. Therefore, they both traveled in interstate commerce before Collins possessed them.

Respectfully submitted this 25th day of January, 2019.

KURT G. ALME  
United States Attorney

/s/ Paulette L. Stewart  
Assistant U.S. Attorney  
Attorney for Plaintiff